

***A MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS WAS HELD
SEPTEMBER 10, 2009 AT 11:00 A.M. IN WARRENTON, VIRGINIA***

P R E S E N T Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz;
Mr. Chester W. Stribling; Mr. R. Holder Trumbo; Mr. Paul S. McCulla,
County Administrator; Mr. Kevin J. Burke, County Attorney

A B S E N T None

AGENDA REVIEW

Mr. Nyhous stated that Mr. Trumbo had been unavoidably delayed by a business matter and planned to arrive in time for the work sessions.

Catherine Heritage, Deputy County Administrator, introduced Fire Chief Thomas Billington of the Department of Fire and Emergency Services.

The Board of Supervisors reviewed the agenda.

**A WORK SESSION TO CONSIDER RESOLUTIONS APPROVING A PLAN OF
FINANCING WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
FAUQUIER COUNTY, VIRGINIA, AND A LENDER TO PROVIDE THE LONG-TERM
FINANCING OF THE VINT HILL SEWER TREATMENT PLANT AND TO SECURE
SUCH FINANCING WITH A LEASE STRUCTURE**

Anthony I. Hooper, Deputy County Administrator, reviewed proposed resolutions for the Board to consider approving (1) a plan of financing with the Industrial Development Authority (IDA) and a lender to provide financing of the Vint Hill sewer treatment plant, and (2) authorizing the County Administrator and certain County officials to execute the necessary documents. Also present were Chris Kulp, Bond Counsel, of Hunton & Williams, and Joe Mason, Financial Advisor, of the Davenport Firm.

**A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL PURSUANT TO CODE
OF VIRGINIA SECTION 2.2-3711(A)(7) TO DISCUSS POTENTIAL OR THREATENED
LITIGATION INVOLVING WOODED RUN ESTATES AND THE ZAMBRANO
BOARD OF ZONING APPEALS APPROVAL**

Mr. Trumbo moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters involving threatened or potential litigation regarding Wooded Run States and the Zambrano Board of Zoning Appeals approval. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

Ayes: Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling
Nays: None
Absent During Vote: None
Abstention: None

Upon reconvening from the closed meeting, Mr. Trumbo moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 10th day of September 2009, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

PRESENTATION OF CERTIFICATE OF ACHIEVEMENT FOR EXCELLENCE IN FINANCIAL REPORTING

Mr. McCulla recommended the formal presentation be postponed until the next regular meeting of the Board of Supervisors. Mr. Trumbo commended members of the Finance Department for a job well done.

A WORK SESSION TO DISCUSS SPRINGS VALLEY HISTORIC DISTRICT

The Board of Supervisors discussed a proposed resolution requesting that the Virginia Department of Historic Resources and National Park Service delay the decision on acceptance of the amended nomination for the proposed Springs Valley Historic District, previously resubmitted to the Virginia Department of Historic Resources, in order to address the concerns of landowners whose properties lie within the boundaries of the proposed historic district.

A WORK SESSION TO CONSIDER THE APPROVAL OF A FAUQUIER COUNTY TARGETED BUSINESS REVIEW PROCESS

Talmage Reeves, Director of the Department of Economic Development, updated the Board of Supervisors on the establishment of an approval process for business applications to Fauquier County to be known as a Targeted Business Review Process. The process will allow the Board of Supervisors to establish a list of targeted business categories they feel is appropriate for Fauquier County.

A PRESENTATION BY DEBORAH WILLIAMSON AND DEANNA CHILD REGARDING THE FARMER'S ONLINE MARKET PROGRAM

Talmage Reeves, Director of Economic Development, introduced Deborah Williamson and Deanna Child who presented an overview of the first Farmer's Online (www.farmersonlinemarket.net), which was begun with the goal of integrating agriculture and technology to provide a market for locally grown agricultural products and to provide customers with fresh, locally grown produce at a reasonable price.

A WORK SESSION WITH LEGISLATIVE LIAISON ELDON JAMES TO UPDATE THE BOARD OF SUPERVISORS ON LEGISLATIVE MATTERS

Catherine M. Heritage, Deputy County Administrator, introduced Eldon James, Legislative Liaison, who updated the Board of Supervisors on legislative issues including: the State budget shortfall; urban development areas; impact fees and proffers; transfer of development rights; alternative septic systems; composite index; community development authorities; and the Legislative Barbeque and Legislative Day in February.

A WORK SESSION TO DISCUSS OPTIONS FOR IMPLEMENTING THE RECYCLING FEE

Ari J. Sky, Director of the Office of Management and Budget, discussed the proposed implementation of a new fee intended to recover the recycling expenses associated with the operation of the County's solid waste convenience sites by applying a surcharge on residents and businesses.

A CLOSED SESSION TO CONSULT WITH LEGAL COUNSEL PURSUANT TO CODE OF VIRGINIA SECTION 2.2-3711(A)(7) REGARDING SPECIFIC LEGAL MATTERS INVOLVING POTENTIAL LITIGATION INVOLVING WOODED RUN ESTATES

Mr. Trumbo moved to go into a closed meeting, pursuant to Virginia Code Section 2.2-3711(A)(7) of the Code of Virginia, to consult with legal counsel regarding specific legal matters involving threatened or potential litigation regarding Wooded Run Estates. Following discussion and upon the motion being seconded, the vote was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. R. Holder Trumbo; Mr. Chester W. Stribling</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Upon reconvening from the closed meeting, Mr. Trumbo moved, without objection, to adopt the following certification:

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, §2.2-3712.D of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 10th day of September 2009, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

A WORK SESSION TO REVIEW A ZONING ORDINANCE TEXT AMENDMENT TO ARTICLE 2, GENERAL REGULATIONS, ARTICLE 6, ACCESSORY USES, AND SECTION 15-300, DEFINITIONS, TO ESTABLISH THE HEIGHT AND LOCATION REQUIREMENTS FOR ACCESSORY WIND ENERGY SYSTEMS

Andrew Hushour, Assistant Zoning Administrator, briefed the Board of Supervisors on a proposed text amendment to be considered for approval that seeks to establish Zoning Ordinance provisions regarding the use of private, non-commercial wind energy systems, such as windmills or wind turbines.

The meeting was reconvened in Regular Session at 6:30 P.M.

INVOCATION

Mr. Graham offered the invocation.

PLEDGE OF ALLEGIANCE

Mr. Andrew Case, representing Boy Scouts Troop 180, led the pledge of allegiance.

ADOPTION OF THE AGENDA

Mr. Nyhous moved to adopt the agenda with the following changes. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo*

Nays: *None*

Absent During Vote: *None*

Abstention: *None*

- Add new Consent agenda item #6(l), a Resolution to Guarantee Performance of Virginia Department of Transportation Permit Conditions; and
- Remove Regular agenda item #7, a Resolution to Approve Funding for the Purchase of Development Rights on the Ninth Round PDR Applications.

CITIZENS' TIME

- Merle Fallon, Esquire, spoke on behalf of Springs Valley residents who are opposed to the designation of that area as an historic district. Mr. Fallon announced that during an earlier work session the Board of Supervisors elected not to go forward with a proposed resolution requesting the Virginia Department of Historic Resources to delay the designation.
- Ira Tenon, of Haymarket, stated he was seeking guidance in procuring a peddlers license to sell produce in Marshall. Mr. McCulla referred him to Mr. Carr, Director of the Department of Community Development, for assistance.
- Barbara Severin, Scott District, stated how appreciative she was for the assistance of local organizations such as FISH, Community Action, and People to People. Mrs. Severin also stated that the John Barton Payne Building has been touched up and she expressed her appreciation for the work done by General Services.
- Madge Eicher, Marshall District, expressed her disappointment that the Board of Supervisors did not accept the proposed resolution to delay the Springs Valley Historic District designation.
- Chuck Medvitz, Scott District, spoke in support of the Springs Valley Historic District application and stated he believed proponents to land conservation outnumber opponents to the historic designation.
- Jock Queen, Marshall District, spoke in opposition to the Springs Valley Historic District and stated that local officials have misled opponents to the historic district designation and expressed his general mistrust of local officials. He further expressed an interest in being nominated as the Marshall District representative for the Architectural Review Board.
- Pat Payne, Marshall District, spoke in opposition to the designation of Springs Valley as a Rural Historic District. She stated that landowners should be allowed to withdraw their property from the historic designation and said she felt the process is undemocratic.

- Brian Cohn, representing Brookside Communities, LLC, in New Baltimore, thanked the Board of Supervisors for accepting Riley Road improvements as an agenda item for consideration for approval. He added that it is a public improvement for the benefit of everyone, and he asked for additional assistance in working with Vint Hill to connect the neighborhoods.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Stribling introduced and welcomed Fire Chief Thomas Billington of the Department of Fire and Emergency Services.
- Mr. Trumbo presented a Rappahannock-Rapidan Regional Commission Resolution in Appreciation of the Work and Service of Chester W. Stribling.

CONSENT AGENDA

Mr. Nyhous moved to adopt the following Consent agenda items. Mr. Schwartz seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes of the Fauquier County Board of Supervisors for the August 13, 2009 Regular Meeting

A Resolution Reimbursing Range 82, LLC, for its Expenses Arising Out of the Application for a Special Exception for a Public Training Facility

RESOLUTION

A RESOLUTION REIMBURSING RANGE 82, LLC, FOR ITS EXPENSES ARISING OUT OF THE APPLICATION FOR A SPECIAL EXCEPTION FOR A PUBLIC TRAINING FACILITY

WHEREAS, the Fauquier County Sheriff has indicated a need for shooting range to qualify his deputies; and

WHEREAS, the Chief of the County's Department of Fire, Rescue and Emergency Services Management and the Fauquier County Volunteer Fire and Rescue Association have indicated a need for a fire training facility; and

WHEREAS, the County approached Range 82, LLC, regarding a public private partnership seeking to locate these two training facilities at Range 82; and

WHEREAS, the location of the facilities at the Range 82 site required the issuance of a special exception for a public training facility; and

WHEREAS, Range 82, LLC, expended \$24,572.00 on the special exception application; and

WHEREAS, the Board of Supervisors wishes to reimburse Range 82, LLC, for those expenses; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors of Fauquier County this 10th day of September, 2009, That the County Administrator be, and is hereby, authorized to reimburse Range 82, LLC, in the amount of \$24,572.00 for its costs expended on the special exception applications associated with the public training facility; and, be it

RESOLVED FURTHER, That the \$24,572.00 shall be drawn from the Fire Training Center/Firing Range capital project fund.

A Resolution for the Establishment of a Targeted Business Review Process

RESOLUTION

A RESOLUTION FOR THE ESTABLISHMENT OF A TARGETED BUSINESS REVIEW PROCESS

WHEREAS, on April 29, 2009, the Fauquier County Board of Supervisors held a Board of Supervisors Retreat on Economic Development; and

WHEREAS, during the Retreat the Board of Supervisors committed to consideration of the establishment of a Targeted Business Review Process; and

WHEREAS, the purpose of a Targeted Business Review Process is to enhance the development of a business-ready environment that encourages new business development and existing business expansion in Fauquier County; and

WHEREAS, the Board of Supervisors would establish a designated list of business sectors that are approved for consideration for designation as "targeted" businesses; and

WHEREAS, the Board of Supervisors would establish criteria for designation for business application participation in the Targeted Business Review Process; and

WHEREAS, the Department of Economic Development would be the “point of contact” for referral for business prospect applications for all projects related to business applications for development and/or expansions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of September 2009, That the Board of Supervisors does hereby support the establishment of the Targeted Business Review Process; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors hereby designates the Department of Economic Development as the lead department and point of contact for the Targeted Business Review Process.

A Resolution to Authorize the Re-Establishment of a Part-Time Zoning Inspector Position Within the Department of Community Development

RESOLUTION

A RESOLUTION TO AUTHORIZE THE RE-ESTABLISHMENT OF A PART-TIME
PERMANENT ZONING INSPECTOR POSITION WITHIN THE DEPARTMENT OF
COMMUNITY DEVELOPMENT

WHEREAS, the Fauquier County Department of Community Development has been authorized to hire a part-time Zoning Inspector; and

WHEREAS, the Department of Community Development will be allocated a prorated salary of \$23,499 for nine months of Fiscal Year 2010 to hire one part-time Zoning Inspector; and

WHEREAS, the Department of Community Development and the Fauquier County Personnel Committee have endorsed the re-establishment of a part-time Zoning Inspector position to enhance the quality of zoning services in the County; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of September 2009, That an additional part-time permanent Zoning Inspector position be, and is hereby, established and approved for the Department of Community Development, effective September 10, 2009.

A Resolution Directing the County Administrator to Schedule a Public Hearing to Consider an Ordinance to Classify Personal Property Owned by Middle East Ministries Exempt from Taxation

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A
PUBLIC HEARING TO CONSIDER AN ORDINANCE TO CLASSIFY PERSONAL
PROPERTY OWNED BY MIDDLE EAST MINISTRIES EXEMPT FROM TAXATION

WHEREAS, Middle East Ministries is a 501(c)(3) organization owning personal property in Fauquier County; and

WHEREAS, Middle East Ministries has requested an exemption from real and personal property taxation in order to permit it to be better able to use its financial resources for charitable purposes; and

WHEREAS, prior to granting a charitable organization an exemption from property tax the Board of Supervisors must conduct a public hearing and adopt an Ordinance granting the exemption; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of September 2009, That the County Administrator be, and is hereby, directed to schedule a public hearing to consider the request of Middle East Ministries for a personal property tax exemption.

A Resolution to Approve Boundary Line Adjustments for Parcels Subject to a Conservation Easement in Marshall District

RESOLUTION

A RESOLUTION TO APPROVE BOUNDARY LINE ADJUSTMENTS FOR PARCELS
SUBJECT TO A CONSERVATION EASEMENT IN MARSHALL DISTRICT

WHEREAS, Robert B. Semple, Jr., Lloyd A. Semple, Elizabeth S. Hart, William T. Semple and Nathaniel M. Semple, owners, are seeking approval to boundary line adjust parcels that are subject to a conservation easement held by the County; and

WHEREAS, the applicants propose to boundary line adjust parcels identified as PIN #6030-44-5101-000 (322.7849 acres); PIN #6030-66-2239-000 (36.9265 acres); PIN #6030-54-9875-000 (57.1729 acres); PIN #6030-64-8252-000 (41.1680 acres); and PIN #6030-75-1343-000 (4.3266 acres); and

WHEREAS, the Board of Supervisors has determined that the requested boundary line adjustment is appropriate and consistent with the conservation easement; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of September 2009, That Robert B. Semple, Jr., Lloyd A. Semple, Elizabeth S. Hart, William T. Semple and Nathaniel M. Semple be, and are hereby, authorized to boundary line adjust the above-referenced parcels as set forth on the plat and survey of Carson Ashley entitled "Plat Showing Boundary Line Adjustment between the properties of Robert B. Semple, Jr., Lloyd A. Semple, Elizabeth S. Hart, William T. Semple and Nathaniel M. Semple," dated May 18, 2009, which are subject to a conservation easement.

A Resolution for Street Acceptance of a Portion of Riley Road Within the Brookside Subdivision and Abandonment of a Portion of Riley Road, Scott Magisterial District

RESOLUTION

A RESOLUTION FOR STREET ACCEPTANCE OF A PORTION OF RILEY ROAD WITHIN THE BROOKSIDE SUBDIVISION AND ABANDONMENT OF A PORTION OF RILEY ROAD, SCOTT MAGISTERIAL DISTRICT

WHEREAS, Brookside Communities, LLC, has reconstructed portions of Riley Road, Route 676, on a new alignment under the Brookside Parkway/Riley Road Public Improvement Plan; and

WHEREAS, portions of Riley Road and Allison Marshall Drive as depicted on the attached site location map and described on the attached VDOT Form AM-4.3 fully incorporated by reference, are shown on plats of record in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Residency Administrator for the Virginia Department of Transportation has advised the Board of Supervisors that these streets meet the requirements established by the Virginia Department of Transportation; and

WHEREAS, the new road now serves the same citizens as those portions of the old road identified to be abandoned and those portions to be abandoned no longer serve a public need; and

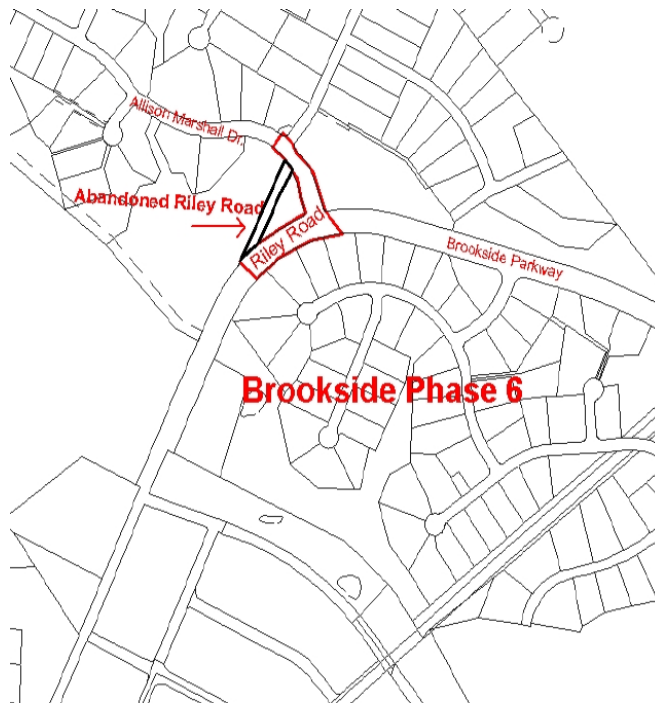
WHEREAS, in February of 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of September 2009, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the streets shown on the attached Form AM-4.3 into the Secondary System of State Highways for maintenance, as provided in Section 33.1-229, Code of Virginia; and, be it

RESOLVED FURTHER, That this Board abandons from the Secondary System of State Highways the portion of Route 676 shown on the attached site location map and described on the attached Form AM-4.3, pursuant to Section 33.1-155 of the Code of Virginia; and, be it

RESOLVED FURTHER, That the Board of Supervisors guarantees the Commonwealth of Virginia a minimum unrestricted right-of-way of seventy (70) feet for Allison Marshall Drive and one hundred and ten (110) feet for Riley Road with necessary easements for cuts, fills, and drainage as recorded in Deed book 1094 page 1183 approved on April 22, 2004; and, be it

RESOLVED FINALLY, That this Board orders that a certified copy of this resolution be forwarded to the Resident Administrator for the Virginia Department of Transportation.



In the County of Fauquier

By resolution of the governing body adopted September 10, 2009

The following VDOT Form AM-4.3 is hereby attached and incorporated as part of the governing body's resolution for changes in the secondary system of state highways.

A Copy Testee Signed (County Official): _____

Report of Changes in the Secondary System of State Highways

Project/Subdivision Riley Road Improvements

Type Change to the Secondary System of State Highways: Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: **Developer relocated VDOT roadway**
Pursuant to Code of Virginia Statute: **§33.1-229**

Street Name and/or Route Number

► **Riley Road, State Route Number 676**

Old Route Number: 0

- From: 0.45 miles NE of CL Forrest Road Rte 1303

To: 708' NE to CL Allison Marshall Rd Rte 1636, a distance of: 0.13 miles.

Recordation Reference: db 1094: pgs 1183

Right-of-Way width (feet) = 110 ft

► **Allison Marshall Drive, State Route Number 1636**

Old Route Number: 0

- From: CL Riley Road Relocated Rte 676
To: 419' W to CL existing Riley Road Rte 676, a distance of: 0.08 miles.
Recordation Reference: db 1094: pgs 1183
Right-of-Way width (feet) = 70-100 ft

Type Change to the Secondary System of State Highways: Abandonment

The following facilities of the Secondary System of State Highways are hereby ordered abandoned, pursuant to the statutory authority cited:

Reason for Change: **Developer Project**

Pursuant to Code of Virginia Statute: **§33.1-155**

Street Name and/or Route Number

► **Riley Road, State Route Number 676**

Old Route Number: 0

- From: 0.45 miles NE of Forrest Rd Rte 1303
To: 792' NE to Allison Marshall Drive Rte 1636, a distance of: 0.15 miles.

VDOT Form AM-4.3 (4/20/2007), Asset Management Division

A Resolution to Provide Fauquier County's Comments on the Prince William County Transportation Plan

RESOLUTION

A RESOLUTION TO PROVIDE FAUQUIER COUNTY'S COMMENTS ON
THE PRINCE WILLIAM TRANSPORTATION PLAN

WHEREAS, Prince William County is updating its transportation and land use chapters of the Comprehensive Plan; and

WHEREAS, Fauquier County is a neighboring jurisdiction and has been asked to provide input on the Plan in preparation for a Prince William Board of Supervisors public hearing on the matter in December 2009; and

WHEREAS, Fauquier County shares three major arterial roadway corridors with Prince William County, specifically Lee Highway (Route 29/15), Catlett Road (Route 28), and Vint Hill Road (Route 215); and

WHEREAS, in August 2009, the Fauquier County Board of Supervisors amended the Fauquier County Comprehensive Plan to specify that Vint Hill Road (Route 215) will remain two lanes along its existing alignment for as long as practicable; and

WHEREAS, the adopted Fauquier County Comprehensive Plan calls for Route 29 to be maintained as a rural freeway; and

WHEREAS, on August 14, 2008, the Fauquier County Board of Supervisors passed a resolution to promote freight and passenger rail so as to decrease the number of trips per day along arterial roadways; and

WHEREAS, the Fauquier County Comprehensive Plan promotes the preservation of its local historic, environmental, and agricultural resources; now, therefore, be it

RESOLVED, by the Fauquier County Board of Supervisors this 10th day of September 2009, That the Fauquier County Board of Supervisors supports maintaining and maximizing the existing road capacity of Lee Highway (Route 29/15), Catlett Road (Route 28), and Vint Hill Road (Route 215) in Prince William County; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors supports the proposed policy to maximize the operation of the current transportation network where possible using transportation system management (TSM) strategies; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors supports the proposed policy to reduce expended traffic demand through the use of transportation demand management strategies; and, be it

RESOLVED FURTHER, That the Fauquier County Board of Supervisors supports the proposed policy to plan for new and widened roadways to be sensitive to environmental features and cultural resources; and, be it

RESOLVED FINALLY, That the Fauquier County Board of Supervisors supports the proposed goal to develop a countywide transit network that provides for the mobility needs of all county residents, connects land uses and people, integrates multiple modes of transportation, and reduces vehicle miles traveled in single occupancy vehicles.

A Resolution to Amend the FY 2009 Adopted Budget by \$37,201 and the FY 2010 Adopted Budget by \$156,492

RESOLUTION

A RESOLUTION TO AMEND THE FY 2009 ADOPTED BUDGET BY \$37,201 AND
AMEND THE FY 2010 ADOPTED BUDGET BY \$156,492

WHEREAS, the Fauquier County Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on April 2, 2008 the Board of Supervisors adopted the Fauquier County FY 2009 Budget; and

WHEREAS, on March 31, 2009 the Board of Supervisors adopted the Fauquier County FY 2010 Budget; and

WHEREAS, during the course of the fiscal years certain events occur that necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, at its meeting on August 6, 2009, the Finance Committee recommended for FY 2009 and 2010, budget adjustments of \$35,946 and \$107,183 respectively; and

WHEREAS, at its meeting on September 3, 2009, the Finance Committee recommended a FY 2009 appropriation of \$1,255, and a FY 2010 appropriation of \$14,309 and transfers of \$35,000 from the Construction Reserve to the General Fund and \$2,000 from the Contingency Reserve; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of September 2009, That the FY 2009 Budget be, and is hereby, amended in the amount of \$37,201 and the FY 2010 Budget be, and is hereby, amended in the amount of \$156,492 as indicated on the attached summary.

September 10, 2009 Budget Action Summary

Requesting Department	Action	Amount	Category		Explanation
			From	To	
FY 2009					
Fire, Rescue & Emergency Management	Reimbursement	\$5,261	Miscellaneous Revenue	Fire, Rescue & Emergency Management	Appropriates funds for rescue services provided at the Upperville Horse Show.
Sheriff's Office	Seizure Funding	\$1,143	State Revenue	Sheriff's Office	Appropriates funding from State Seizures for equipment in the Sheriff's Office.
Sheriff's Office	Grant Funding	\$880	Federal Revenue	Sheriff's Office	Appropriates funding from Federal DEA Group 33, Narcotics, for equipment in the Sheriff's Office.
Social Services	Program Funding	\$26,500	State Revenue	Social Services	Appropriates State AFDC revenue for Foster Care expenses.
Volunteer Fire & Rescue Association (VFRA) Fund	Reimbursement	\$1,680	State Revenue	VFRA	Appropriates payments for Advanced Life Support training.

Requesting Department	Action	Amount	Category		Explanation
			From	To	
Volunteer Fire & Rescue Association (VFRA) Fund	Insurance Refund	\$82	Insurance Revenue	VFRA	Appropriates an insurance premium policy refund for deleted vehicles.
Volunteer Fire & Rescue Association (VFRA) Fund	Fee Funding	\$400	Local Revenue	VFRA	Appropriates payments for Trauma Life Support training.
Sheriff's Office	Seizure Funding	\$1,255	State Revenue	Sheriff's Office	Appropriates funding from State Seizures for associated expenditures in the Sheriff's Office.
FY 2010					
Clerk of the Circuit Court	Grant Funding	\$3,358	State Revenue	Clerk of the Circuit Court	Appropriates a Library of Virginia—Virginia Circuit Court Records Preservation Grant for repairs and restoration to will books.
Fire, Rescue & Emergency Management	Grant Funding	\$76,650	Federal Revenue	Fire, Rescue & Emergency Management	Appropriates a State Emergency Medical Services Grant for the purchase of 21 Toughbook computers.
Social Services	Program Funding	\$27,175	Federal Revenue	Social Services	Appropriates Federal funding for VIEW and Independent Living programs.
Management & Budget	Fund Balance	\$14,309	Dog Tag Revenue	SPCA	Appropriates funding from General Fund dog tag revenue to the SPCA contribution expense line.
Management & Budget	Software Program	\$35,000	Construction Reserve	Information Technology	Transfers funding from the Construction Reserve for an automated paperless agenda software program.
Management & Budget	Donation	\$2,000	Contingency Reserve	Elk Run Church	Transfers funding from the Contingency Reserve to assist the Elk Run Church's restoration program.

A Resolution to Authorize the Acceptance of a Conservation Easement Over the Property of Edward S. Harrell and Kathryn K. Harrell

RESOLUTION

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CONSERVATION
EASEMENT OVER THE PROPERTY OF
EDWARD S. HARRELL AND KATHRYN K. HARRELL

WHEREAS, Edward S. Harrell and Kathryn K. Harrell have proposed to donate a conservation easement over his property described as PIN # 6070-65-2993 consisting of approximately 34.1632 acres, hereinafter "the Property;" and

WHEREAS, the Board of Supervisors has determined that the proposed easement is appropriate, in the public interest, and furthers the goals and objectives of its Comprehensive Plan; and

WHEREAS, the Board of Supervisors has determined that the proposed easement will preserve important agricultural and forestal lands and scenic and natural resources in a manner consistent with the Comprehensive Plan; and

WHEREAS, the Board of Supervisors hereby designates the Property as open-space under the authority granted by Chapter 17 of Title 10.1 of the Code of Virginia, 1950, as amended, the "Open-Space Land Act;" now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th day of September 2009, That the Board finds as follows:

1. The proposed easement preserves open-space lands in the county pursuant to the goals and objectives stated in the county's Comprehensive Plan and thereby advances a public purpose of the County; and

2. The restrictions contained in the proposed easement will preserve and protect in perpetuity the open-space values of the property and will limit the uses of the property to those uses which are consistent with and which will not adversely affect the open-space values described in the easement; and

3. The proposed easement will provide a significant public benefit to the citizens of Fauquier County and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the County Administrator and the County Attorney be, and are hereby, authorized and directed to accept the donation of a conservation easement under those terms generally set forth in the proposed easement attached to the agenda request for this item, subject to such revisions as may be deemed appropriate to the County Administrator and County Attorney.

A Resolution to Award an American With Disabilities Act Compliance Contract to Crenshaw Construction Co., Inc. of Culpeper, Virginia and Provide Additional Funding

RESOLUTION

A RESOLUTION TO AWARD AN AMERICAN WITH DISABILITIES ACT COMPLIANCE
CONTRACT TO CRENSHAW CONSTRUCTION CO., INC. OF CULPEPER, VIRGINIA
AND PROVIDE ADDITIONAL FUNDING

WHEREAS, the Americans with Disability Act (ADA) of 1990, Title II requirements for State and Local Governments (28 C.F.R. § 35) provides requirements for facility and program access; and

WHEREAS, the Fauquier County Board of Supervisors and assigned staff have been working diligently with the Virginia Office of Protection and Advocacy to comply with the Americans With Disability Act of 1990, Title II requirements for State and Local Governments (28 C.F.R. § 35); and

WHEREAS, in February of 2009, the Fauquier County Board of Supervisors approved \$235,000.00 for initial facility assessments, design, bidding and compliance; and

WHEREAS, as a result of the facility assessments, staff solicited and received bids for an ADA Modifications contract; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 10th of September 2009, That Crenshaw Construction Co., Inc. of Culpeper Virginia was the lowest bidder of the solicited bids and should be awarded the ADA Modifications contract in the amount of \$224,175 to complete all projects as agreed to with the Virginia Office for Protection and Advocacy; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to transfer funds in the amount of \$116,660 from the Capital Reserve to complete this work.

A Resolution to Guarantee Performance of Virginia Department of Transportation Permit Conditions

RESOLUTION

A RESOLUTION TO GUARANTEE COMPLIANCE WITH VIRGINIA DEPARTMENT OF
TRANSPORTATION PERMIT CONDITIONS

WHEREAS, it becomes necessary from time to time for the County of Fauquier to obtain permits from the Virginia Department of Transportation to install, construct, reconstruct, maintain, and operate certain public works along, across, over and upon the highway system of Virginia; and

WHEREAS, expense, damage or injury may be sustained by the Commonwealth of Virginia growing out of the granting to said County of Fauquier by the Virginia Department of Transportation of said permits for the work aforesaid; and

WHEREAS, one of the conditions of such permit or permits is that the County shall indemnify the Commonwealth of Virginia against all damages and injuries to the highways and bridges and to persons or property lawfully upon such highways.

NOW, THEREFORE, the condition of this obligation is such that if the County shall in all respects comply with all of the conditions of permit or permits that have been, or will be, granted said County, and to the extent authorized or required by law the County shall indemnify and save harmless the Commonwealth of Virginia against and from all loss, cost, expense, damage or injury to highways and bridges and to persons and property lawfully on such

highways growing out the granting of such permit or permits to said County, then this obligation to be void, otherwise to be and remain in full force and virtue.

IN WITNESS WHEREOF, the said County of Fauquier has caused this bond to be executed and its official seal affixed the day and year first above written, pursuant to a resolution or ordinance adopted by its Board of Supervisors on this 10th day of September, 2009.

RESOLUTIONS APPROVING A PLAN OF FINANCING WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF FAUQUIER COUNTY, VIRGINIA, AND A LENDER TO PROVIDE THE LONG-TERM FINANCING OF THE VINT HILL SEWER TREATMENT PLANT AND TO SECURE SUCH FINANCING WITH A LEASE STRUCTURE

Mr. Graham moved to adopt the following resolution. Mr. Stribling seconded, and following discussion the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION APPROVING A PLAN OF FINANCING
WITH THE INDUSTRIAL DEVELOPMENT AUTHORITY OF
FAUQUIER COUNTY, VIRGINIA, TO PROVIDE THE LONG-
TERM FINANCING OF THE VINT HILL SEWER
TREATMENT PLANT AND TO SECURE SUCH FINANCING
WITH A LEASE STRUCTURE

WHEREAS, the Board of Supervisors (the “Board”) of Fauquier County, Virginia (the “County”), desires to provide the long-term financing of the Vint Hill Sewer Treatment Plant, together with related expenses (the “Project”);

WHEREAS, the Industrial Development Authority of Fauquier County (the “Authority”) is authorized under the Industrial Development and Revenue Bond Act (the “Act”) to exercise all the powers set forth in the Act, which include, among other things, the power (i) to make loans to, among others, a county in furtherance of the Act, (ii) to finance or refinance and lease facilities for use by, among others, a county, (iii) to issue its revenue bonds, notes and other obligations from time to time for such purposes and (iv) to pledge all or any part of its revenues and receipts derived from payments received by the Authority in connection with its loans or from the leasing by the Authority of such facilities or from any source, as security for the payment of principal of and interest on any such obligations;

WHEREAS, the Board desires to undertake the financing and refinancing of the Project through a lease structure with the Authority, pursuant to which the County would lease certain property to the Authority pursuant to the terms of a Prime Lease (as hereinafter defined) and the Authority would lease such property back to the County pursuant to the terms of a Lease Agreement (as hereinafter defined);

WHEREAS, the Board desires to secure the financing through a lease of its Alice Jane Childs Building located on land in the County (such land, together with all improvements now or hereafter located thereon being, collectively, the "Property");

WHEREAS, the Board desires that the Authority (a) issue a tax-exempt bank qualified revenue note in an aggregate principal amount not to exceed \$6,200,000 (the "Note") pursuant to the terms of the Lease Agreement between the Authority, the County and the Noteholder (as hereinafter defined) and (b) lease the Property to the County at a rent sufficient to pay when due the principal of and interest on the Note;

WHEREAS, the County Administrator has requested Davenport & Company LLC, as the County's financial advisor (the "Financial Advisor"), to solicit bids from banking institutions for the purchase of the Note;

WHEREAS, there have been presented to this meeting drafts of the following documents (collectively, the "Documents") that the County proposes to execute to carry out the transactions described above, copies of which shall be filed with the records of the County:

- (a) Prime Lease to be dated the date of its delivery (the "Prime Lease"), between the Authority and the County pursuant to which the County will lease the Property to the Authority;
- (b) Note Purchase Agreement and Lease Agreement to be dated the date of its delivery (the "Lease Agreement"), between the Authority, the County and the banking institution selected by the Authority and the County (the "Noteholder") pursuant to which the Authority will (1) issue and sell the Note, (2) loan the proceeds of the Note to the County to finance and refinance costs of the Project, and (3) secure such loan through a lease of the Property to the County.

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF FAUQUIER COUNTY, VIRGINIA:

The following financing plan for the Project is approved. The Authority is hereby requested to issue the Note in a maximum principal amount not to exceed \$6,200,000 and loan the proceeds thereof to the County for use in financing and refinancing the costs of the Project and paying the costs of issuing the Note. The County will lease the Property to the Authority pursuant to the terms of the Prime Lease. Thereafter, the Authority will lease the Property to the County pursuant to the terms of the Lease Agreement. The County will undertake to make payments to the Authority of basic rent ("Basic Rent") and additional rent ("Additional Rent") under the terms of the Lease Agreement in amounts sufficient to amortize the Note and to pay the fees and expenses of the Authority. The obligation of the Authority to pay principal of and premium, if any, and interest on the Note will be limited to payments of Basic Rent and

Additional Rent received from the County. The undertaking by the County to make payments of Basic Rent and Additional Rent will be subject to appropriations from time to time by the Board of sufficient amounts for such purposes. If the County exercises its right not to appropriate money for such payments, the Authority shall have the right to exercise any remedies provided in the Lease Agreement upon an event of non-appropriation, including the right to terminate the Lease Agreement and exclude the County from possession of the Property. The Note will be secured by an assignment to the Noteholder of the Authority's rights to receive payments of Basic Rent. The plan of financing for the Project shall contain such additional requirements and provisions as the County Administrator may approve and determine to be in the best interest of the County.

Subject to the pricing parameters of the Note described below, the Board hereby authorizes the County Administrator, in consultation with the Financial Advisor and the Authority, to review the bids from the banking institutions and to select the bid that the County Administrator determines to be in the best interests of the County. The banking institution submitting such winning bid shall be selected as the Noteholder.

The County Administrator is authorized and directed to execute the Documents, which shall be in substantially the forms submitted to this meeting, which are hereby approved, with such completions, omissions, insertions and changes not inconsistent with this Resolution as may be approved by the County Administrator, his execution to constitute conclusive evidence of his approval of any such completions, omissions, insertions and changes. In making completions to the Lease Agreement, the County Administrator shall provide for payments of Basic Rent on terms equivalent to a Note that (a) matures in installments ending no later than December 31, 2030; (b) has an aggregate principal amount not exceeding \$6,200,000; (c) has a "true" or "Canadian" interest cost not exceeding 5.5% per year; (d) is subject to optional redemption, if at all, at a premium not exceeding 2.0% of the principal amount thereof; and (e) is sold to the Noteholder at a price not less than 99.0% of the aggregate principal amount thereof. Following the sale of the Note, the County Administrator shall file a certificate with the records of the Board of Supervisors setting forth the final terms of the Note and the Lease Agreement. The actions of the County Administrator in approving the terms of the Note and the Lease Agreement shall be conclusive, and no further action shall be necessary on the part of the County. As set forth in the Lease Agreement, the County undertakes to pay from legally available funds such "late charges" and other charges as described therein.

The officers of the County are authorized and directed to execute and deliver all certificates and instruments and to take all actions necessary or desirable in connection with the execution and delivery of the Documents and the completion of the financing.

The undertaking by the County to pay any amounts under the Lease Agreement shall be limited obligations payable solely from funds to be appropriated by the Board for such purpose and shall not constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit of the County beyond any fiscal year for which the Board has lawfully appropriated from time to time. Nothing herein or in the Lease Agreement shall constitute a debt of the County within the meaning of any constitutional or statutory limitation or a pledge of the faith and credit or taxing power of the County.

The Board believes that funds sufficient to make payment of all amounts payable under the Lease Agreement can be obtained. While recognizing that it is not empowered to make any binding commitment to make such payments beyond the current fiscal year, the Board hereby states its intent to make annual appropriations for future fiscal years in amounts sufficient to make all such payments and hereby recommends that future Boards do likewise during the term of the Lease Agreement. The Board directs the County Administrator or Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to include in the budget request for each fiscal year during the term of the Lease Agreement an amount sufficient to make the payment of all amounts payable under the Lease Agreement. Within 10 days after adoption of the County's annual budget and related appropriation resolution, but not later than 10 days after the beginning of each fiscal year, the County Administrator is authorized and directed to deliver to the Authority and the Noteholder a certificate stating whether an amount equal to or credited to the payment of Basic Rent and Additional Rent which will be due during such fiscal year has been budgeted and appropriated by the Board. So long as the Note is outstanding, if at any time during any fiscal year of the County, the amount appropriated in the County's annual budget in such fiscal year is insufficient to pay when due the amounts payable under the Lease Agreement, the Board directs the County Administrator or Director of Finance, or such other officer who may be charged with the responsibility for preparing the County's annual budget, to submit to the Board at its next scheduled meeting, or as promptly as practicable (but in any event within 45 days), a request for a supplemental appropriation sufficient to cover the deficit.

The County covenants that it will not take or omit to take any action the taking or omission of which will cause the Note to be an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended, and regulations issued pursuant thereto (the "Code"), or otherwise cause the interest due on the Note to be includable in the gross income of the holder thereof under existing statutes. Without limiting the generality of the foregoing, the County shall comply with any provision of law that may require the County at any time to rebate to the United States any part of the earnings derived from the investment of the funds received under the Lease Agreement, unless the County receives an opinion of nationally recognized bond counsel that such compliance is not required to prevent interest on the Note from being includable in the gross income for federal income tax purposes of the holder thereof under existing law.

The County covenants that during the term of the Lease Agreement it shall not permit the Project or the proceeds of the Note to be used in any manner that would result in (a) 10% or more of such proceeds or the facilities financed with such proceeds being used in a trade or business carried on by any person other than a governmental unit, as provided in Section 141(b) of the Code, provided that no more than 5% of such proceeds may be used in a trade or business unrelated to the County's use of the Project, (b) 5% or more of such proceeds being used with respect to any "output facility" (other than a facility for the furnishing of water), within the meaning of Section 141(b)(4) of the Code, or (c) 5% or more of such proceeds being used directly or indirectly to make or finance loans to any persons other than a governmental unit, as provided in Section 141(c) of the Code; provided, however, that if the County receives an opinion of nationally recognized bond counsel that any such covenants need not be complied with to prevent the interest on the Note from being includable in the gross income for Federal

income tax purposes of the holder thereof under existing law, the County need not comply with such covenants.

Such officers of the County as may be requested are authorized and directed to execute an appropriate certificate setting forth the expected use and investment of the proceeds of the Note, and any elections such officers deem desirable regarding rebate of earnings to the United States, for purposes of complying with Section 148 of the Code. Such certificate and elections shall be in such form as may be requested by bond counsel for the County.

All costs and expenses in connection with the undertaking of the Project and the issuance of the Note, including the Authority's fees and expenses and expenses of bond counsel, and counsel for the Authority, shall be paid from the proceeds of the Note or other legally available funds of the County. If for any reason the Note is not issued, it is understood that all such expenses shall be paid by the County from its legally available funds and that the Authority shall have no responsibility therefor.

Any authorization herein to execute a document shall include authorization to deliver it to the other parties thereto and to record such document where appropriate.

All other actions of the officers of the County that are in conformity with the purposes and intent of this Resolution and in furtherance of this financing and the undertaking of the Project are approved and ratified.

The Board requests the Authority to designate the Note as a "qualified tax-exempt obligation" under Section 265(b)(3)(B) of the Code, and, to the extent required by law, concurs with such designation. The Board acknowledges that, for purposes of such designation, the County will not issue, nor approve the issuance of, any tax-exempt obligations which, taking into account the Note, will result in more than \$30,000,000 in tax-exempt obligations being issued in calendar year 2009, unless the County obtains an opinion of bond counsel to the effect that such issuance will not adversely affect the status of the Note as a "qualified tax-exempt obligation."

This resolution shall take effect immediately.

APPOINTMENTS

By unanimous consent, the following appointments were approved:

- Architectural Review Board – Marshall District: Jack Lamonica was reappointed for a four-year term that ends September 10, 2013.
- Social Services Board – Scott District: Jane Burnette was appointed for a four-year term that ends September 10, 2013.
- Industrial Development Authority – Citizen-at-Large: Patrick Nutz was appointed to fill an unexpired four-year term that ends April 12, 2011.

- Parks and Recreation Board – Cedar Run District: Carl Bailey was reappointed for a four-year term that ends September 30, 2013.

SUPERVISORS' TIME

- Mr. Schwartz announced that on Saturday, September 19th, the Town of Marshall will be celebrating Fauquier County's 250th birthday starting with a parade on Main Street at 10:00 AM and a series of other wonderful events that will extend throughout the day. Mr. Schwartz announced that on October 10th is the Fauquier County Farm Tour. He added that the farms featured will be in the central part of the County and it is a wonderful opportunity to see and experience some of the operating farms in our County.
- Mr. Nyhous stated that there is now a website at www.1-800-Volunteer.org which has a wealth of information about local volunteer opportunities. Mr. Nyhous announced that Saturday, September 19th is the Twentieth Annual Evening Under the Stars, which is the Partnership for Warrenton's annual gala, with tastings from restaurants and caterers from all over the County. He added that there will be a live band and other entertainment. He added further that this is the social event of the fall in Warrenton and that details and ticket information can be found at on the Partnership for Warrenton web site at www.partnershipforwarrenton.org.
- Mr. Graham stated that last evening Fauquier County officials hosted a social event at the Inn at Vint Hill for the Quantico Civilian Military Council with representatives from several jurisdictions throughout the area, as well as a significant number of Marines. He added that it was a great occasion and provided a wonderful networking opportunity to discuss County issues. Mr. Graham announced that on September 26th at 1:00 PM, there will be a significant family gathering that will take place on the Ritchie Farm off of Route 17, called "We the People, An American Event" with several activities, functions, displays, Civil War and WWII reenactment enactment, an air show, Marines, balloon rides, fireworks. He stressed that this is an apolitical event. Mr. Graham stated that on Saturday, September 12th, as part of the County's 250th anniversary celebration is the Tour-N-Time at Elk Run Anglican Church in Catlett, as well as at Zoar Baptist Church in Bristersburg, and all are welcome.
- Mr. Stribling stated that on Saturday, September 12th at 9:00 AM will be the Tour-N-Time historic event beginning at Mary Walter Elementary School where shuttle busses will go from the school to the historic Elk Run Church site and to the Monroe Park Gold Mine Museum, as well as to the Jubilee in Goldvein. Mr. Stribling stated that citizens are passionate about the County and he is thankful for everyone that lives here and who wants to do what is appropriate, even when the decisions are very difficult.
- Mr. Trumbo encouraged citizens to visit the Farmer's Online Market website at www.farmersonlinemarket.net to order locally grown produce which can be purchased online and picked up at Vint Hill. He stated it was a wonderful way to connect people with the local farmers. Mr. Trumbo announced that on Saturday, October 3rd, is the

annual Day in The Plains celebration, which is a fabulous event with a parade, vendors, rides, family activities, and is a great way to see Fauquier County at its best.

ANNOUNCEMENTS

- Mr. McCulla announced that the Fauquier County Working Together Committee will hold its sixth annual charity golf tournament at Kastle Green Golf Club on September 19, 2009, and anyone interested in participating may contact the County Administrator's office for details.
- Mr. McCulla announced that the Fauquier County Budget Office won the prestigious Budget Document Award, which provides national recognition for their work and a presentation will be made at the next regular Board of Supervisors meeting.
- Mr. McCulla announced that on October 10, 2009, will be the Fall Farm Tour and more information will be coming out on that event shortly.
- Mr. McCulla announced that on Thursday, October 1, 2009, at the John Barton Payne Building, the Virginia Department of Transportation will be holding its Route 29 Corridor Blueprint Meeting which will be open to citizens.
- Mr. McCulla announced the Board of Supervisors will hold its next regular meeting at 6:30 P.M. on October 8, 2009 in the Warren Green 1st Floor Meeting Room located at 10 Hotel Street in Warrenton, VA.

PROPOSED TEXT AMENDMENTS TO ARTICLES 2 AND 6 OF THE ZONING ORDINANCE

A public hearing was continued from August 13, 2009, to consider a Zoning Ordinance Text Amendment to Article 2, General Regulations, and Article 6, Accessory Uses, regarding the height and location requirements for accessory windmills. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendment. Mr. Hushour recommended that the matter be deferred in order to allow staff to research various questions and issues raised by various Board members. No one else spoke. The Board concurred with staff's recommendation and Mr. Trumbo moved that the public hearing remain open and action be postponed indefinitely. The vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

PROPOSED TEXT AMENDMENTS TO ARTICLES 3 AND 5 OF THE ZONING ORDINANCE

A public hearing was held to consider a Zoning Ordinance Text Amendment to Article 3, District Regulations, and Article 5, Special Permits and Special Exceptions, to require Board of Supervisors' approval on Special Permits for property with non-common open space easements. Andrew Hushour, Assistant Zoning Administrator, summarized the proposed text amendment. Merle Fallon, Esquire, spoke in opposition to the text amendment and stated there would be additional costs to citizens during the application process. No one else spoke. The public hearing was closed. Mr. Nyhous moved to adopt the following Ordinance. Mr. Schwartz seconded and, following discussion, the vote for the motion was unanimous as follows:

Ayes: ***Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo***
Nays: ***None***
Absent During Vote: ***None***
Abstention: ***None***

ORDINANCE

A ZONING ORDINANCE TEXT AMENDMENT TO SECTION 5-100.4 REQUIRING SPECIAL EXCEPTION APPROVAL BY THE BOARD OF SUPERVISORS FOR SPECIAL PERMIT USES ALLOWED ON PROPERTY SUBJECT TO A NON-COMMON OPEN SPACE EASEMENT

WHEREAS, on June 25, 2009, the Planning Commission initiated the proposed text amendment; and

WHEREAS, on July 30, 2009, the Planning Commission held a public hearing on the proposed text amendment; and

WHEREAS on July 30, 2009, the Planning Commission unanimously voted to forward the proposed text amendment to the Board of Supervisors with a recommendation of approval; and

WHEREAS, on September 10, 2009, the Fauquier County Board of Supervisors held a public hearing on this amendment; and

WHEREAS, adoption of the attached amendment to Section 5-100.4 of the Fauquier County Zoning Ordinance supports good zoning practices, convenience, and the general welfare; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 10th day of September 2009, that Section 5-100.4 be, and is hereby, amended as follows:

Purpose and Intent

4. Notwithstanding anything in the Zoning Ordinance to the contrary:
 - A. When an applicant must seek a special exception and a special permit for a single project, all of the requirements for the special permit shall be addressed by the Board of Supervisors as part of the special exception process and the applicant shall be exempt from seeking separate, additional approval from the Board of Zoning Appeals. Subsequent to issuance, all amendments shall be processed by the Board of Supervisors.
 - B. Where any use requiring special permit approval by the Board of Zoning Appeals pursuant to Article 3 of this Ordinance is proposed on a property with a recorded non-common open space easement pursuant to Section 2-700, such application shall be reviewed as a special exception for approval by the Board of Supervisors.
 - ~~B.~~ C. Any use requiring special permit or special exception approval shall be exempt from such additional special permit or special exception approval where 1) such use was specifically requested and approved as part of a rezoning application, with location and character of the proposed use shown and addressed on the concept development plan for the rezoning, and 2) compliance with the specific standards in this article were addressed in proffers as part of the rezoning application.

COMPREHENSIVE PLAN AMENDMENT #CPAM09-SC-007 – NEW BALTIMORE TRIANGLE COMPREHENSIVE PLAN AMENDMENT

A public hearing to consider an amendment to Comprehensive Plan Chapter 6 – Service Districts – New Baltimore Service District Plan to amend the land use plan, the transportation plan and associated text for the area east of Lee Highway (Routes 15/29), west of Grays Mill Road (Route 674) and north of and including the Mill Run Business Park. Susan Eddy, Chief of Planning, summarized the proposed amendment. Christine Pigler, resident of Grays Mill Road, and William Tapp, resident of Grays Mill Road, spoke in opposition to the comprehensive plan amendment. No one else spoke. Mr. Trumbo moved to continue the public hearing and postpone action on this matter for up to ninety (90) days. Mr. Nyhous seconded and, following discussion, the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Raymond E. Graham; Mr. Terrence L. Nyhous; Mr. Peter B. Schwartz; Mr. Chester W. Stribling; Mr. R. Holder Trumbo</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

With no further business, the meeting was adjourned at 7:44 P.M.

I hereby certify that this is a true and exact record of actions taken by the Fauquier County Board of Supervisors on September 10, 2009.

*Paul S. McCulla
Clerk to the Board of Supervisors*